

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MILTON SIMON WASHINGTON	:	CIVIL ACTION
	:	
v.	:	
	:	
David Diguglielmo, et al.	:	NO. 07-3974

MEMORANDUM OPINION

Fullam, Sr. J.

October 23, 2007

Petitioner, Milton Simon Washington, is a state prisoner at SCI Graterford. Mr. Washington has filed a petition seeking *habeas corpus* relief pursuant to 28 U.S.C. § 2254. A previously filed petition was dismissed with prejudice in Civil Action No. 92-6093.

The "second and successive" rule of 28 U.S.C. § 2244(b) requires that the petitioner obtain leave from the Court of Appeals before filing petitions for *habeas corpus* if a previous petition has been dismissed with prejudice. Until the Court of Appeals grants such leave, this Court lacks jurisdiction to consider Mr. Washington's petition.

An Order follows.